



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 03 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Reilly
Shop Foreman
Vogue Furniture
2720 W. 14 Mile Road
Royal Oak, Michigan 48073

Re: Notice of Violation
Compliance Evaluation Inspection
MID985586312

Dear Ms. Reilly:

On February 17, 2016, a representative of the U.S. Environmental Protection Agency inspected the Vogue Furniture facility located in Royal Oak, Michigan (Vogue). As a small quantity generator of hazardous waste, Vogue is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate Vogue's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by Vogue, EPA's review of records pertaining to Vogue, and the inspector's observations, EPA has determined that Vogue has unlawfully stored hazardous waste without a license or interim status as a result of Vogue's failure to comply with certain conditions for a license exemption under Mich. Admin. Code. r. 299.9306(2) and (4) [40 C.F.R. § 262.34(c) and (d)]. EPA has identified the license exemption conditions with which Vogue was out of compliance at the time of the inspection in paragraphs 1-6, below.

Many of the conditions for a RCRA license exemption are also independent requirements that apply to licensed and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its license exemption due to a failure to comply with an exemption condition incorporated from Mich. Admin. Code. r. 299.9601(1)-(3) and 299.11003(1)(p) and (q), the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption conditions identified in paragraphs 5-6 are also

independent TSD requirements incorporated from Mich. Admin. Code. r. 299.9601(1)-(3) and 299.11003(1)(p) and (q). Accordingly, each failure of Vogue to comply with these conditions is also a violation of the corresponding requirement in Mich. Admin. Code. r. 299.9601(1)-(3) and 299.11003(1)(p) and (q) [40 C.F.R. Part 265].

STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS AND VIOLATIONS OF TSD REQUIREMENTS]

At the time of the inspection, Vogue was out of compliance with the following small quantity generator license exemption conditions:

1. Date When Each Period of Accumulation Begins

Under Mich. Admin. Code. r. 299.9306(4)(c) [40 C.F.R. § 262.34(d)(4)], a small quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

At the time of the inspection, Vogue maintained three 55-gallon drums of coating cleaning hazardous waste in the facility's outdoor 90-day storage area that were not marked with the date upon which each period of accumulation of hazardous waste began.

2. Hazardous Waste Container Labeling

Under Mich. Admin. Code. r. 299.9306(4)(d) [40 C.F.R. § 262.34(d)(4)], a small quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste." In the State of Michigan, it is further required under Mich. Admin. Code. r. 299.9306(4)(c) that containers used to store hazardous waste must also be labeled or marked with the hazardous waste number (code) of the waste.

At the time of the inspection, three 55-gallon drums used to hold coating cleaning hazardous waste in the 90-day hazardous waste accumulation area were not labeled with the words "hazardous waste" and waste code of the waste.

3. Satellite Hazardous Waste Container Labeling

Under Mich. Admin. Code. r. 299.9306(2) [40 C.F.R. § 262.34(d)(4)], a small quantity generator must label or clearly mark each satellite container holding hazardous waste with the words "Hazardous Waste." In the State of Michigan, it is further required under Mich. Admin. Code. r. 299.9306(2) that satellite containers used to accumulate hazardous waste must also be labeled or marked with the hazardous waste number (code) of the waste or the chemical name of the waste.

At the time of the inspection, five 5-gallon buckets accumulating coating cleaning hazardous wastes (D001, F003, F005) in the facility's Paint Booths #1-3 were not labeled with the words "hazardous waste," waste number or chemical name of the waste.

4. Emergency Information

Under Mich. Admin. Code. r. 299.9306(4)(g) [40 C.F.R. § 262.34(d)(5)(ii)], a small quantity generator posts, next to the telephone: name and telephone number of the emergency coordinator, location of the fire extinguishers and spill equipment, and telephone number to the fire department.

At the time of the inspection, Vogue failed to post required emergency information next to a telephone.

The license exemption conditions identified below in paragraphs 5-6 are also independent TSD requirement violated by Vogue:

5. Weekly Inspections

Under Mich. Admin. Code. r. 299.9306(4)(b)(i), 40 CFR § 265.174 [40 C.F.R. §§ 262.34(d)(2) and 265.174], a small quantity generator must conduct weekly inspections of the area where the hazardous waste containers are stored.

At the time of the inspection, Vogue failed to conduct weekly inspections of the 180-day hazardous waste storage area.

6. Weekly Inspections

Under Mich. Admin. Code. r. 299.9306(4)(e), 40 CFR § 265.37 [40 C.F.R. §§ 262.34(d)(2) and 265.37], a small quantity generator must attempt to make emergency arrangements with local emergency authorities that might potentially respond to emergencies at the facility.

At the time of the inspection, Vogue failed to make emergency arrangements with local police and hospital(s).

Summary: By failing to comply with the conditions for a license exemption, above, Vogue became an operator of a hazardous waste storage facility, and was required to obtain an Michigan hazardous waste storage license. Vogue failed to apply for such a license. Vogue's failure to apply for and obtain a hazardous waste storage license violated the requirements of Mich. Admin. Code. r. 299.9502(1), 299.9508 and 299.9510 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a license exemption condition incorporated from

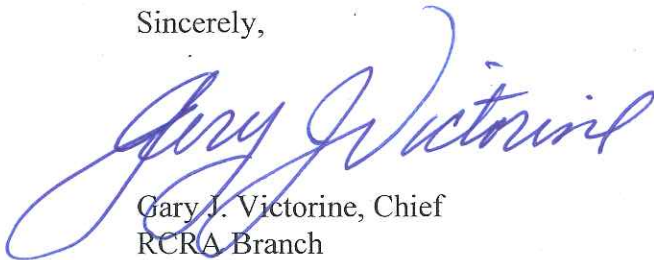
Mich. Admin. Code. r. 299.9601(1)-(3) and 299.11003(1)(p) and (q) is also an independent violation of the corresponding TSD requirement.

At this time, EPA is not requiring Vogue to apply for a Michigan hazardous waste storage license so long as it immediately establishes compliance with the conditions for a license exemption outlined in paragraphs 1-6, above.

During the inspection, as observed by EPA, and after the inspection, as documented in a February 26, 2016 email to EPA, you took certain actions to establish compliance with the above conditions. Your letter or email did not include any actions you may have taken related to conditions in paragraph(s) 4 and 6. According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, you have taken related to paragraph 4. You should submit your response to Derrick Samaranski, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Samaranski, of my staff, at 312-886-7812 or at Samaranski.Derrick@epa.gov.

Sincerely,

A handwritten signature in blue ink, reading "Gary J. Victorine". The signature is fluid and cursive, with the first name "Gary" being particularly prominent.

Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: John Craig (craigj@michigan.gov)
Lonnie Lee (leel@michigan.gov)
Steve Sliver, SLIVERS@michigan.gov.



U. S. Environmental Protection Agency
Region 5, Land and Chemicals Division
RCRA Branch
77 West Jackson Boulevard
Chicago, Illinois 60604

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

SITE NAME: Vogue Furniture
EPA ID NUMBER: MID985586312
ADDRESS: 2720 W. 14 Mile Road
Royal Oak, Michigan 48073
DATE OF INSPECTION: February 17, 2016
EPA INSPECTOR: Derrick Samaranski

PREPARED BY:

Derrick Samaranski
Derrick Samaranski
Compliance Section 2

04/01/16
Date

APPROVED BY:

Julie Morris
Julie Morris, Chief
Compliance Section 2

4/4/16
Date

Purpose of Inspection

This inspection was an evaluation of the Vogue Furniture's compliance with hazardous waste and universal waste regulations found at Michigan Administrative Code (MAC) and the Code of Federal Regulations (CFR). The inspection was an EPA lead Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI). The site notified as Small Quantity Generator.

Participants

Inspector(s):

Derrick Samaranski, U.S. EPA

Site Representative(s):

Jim Reilly, Shop Foreman

Introduction

On February 17, 2016, I arrived at the site at approximately 12:00 PM. I introduced myself, presented my inspector credentials, exchanged business cards, and described the purpose and process by which I intended to conduct the inspection. Mr. Reilly provided me with a description of the site operations. Mr. Reilly led the tour of the facility and provided me with the records I requested for review.

Site Description

The following information about Vogue Furniture is based on the personal observations of the EPA inspector and on representations made during the Inspection by the Facility personnel identified above or is otherwise specified.

Vogue Furniture specializes in manufacturing custom and high quality residential wood and wood veneer furniture. The company designs, manufactures, assembles, and installs its finished products at customer locations. Individual craftsmen are assigned to and work on single projects from start to finish. Vogue Furniture has been at the current location for sixteen years and shares the building with Perspectives, another furniture manufacturer. Manufacturing operations between Perspectives and Vogue Furniture are kept separate with each company assigned separate U.S. EPA id. numbers. Vogue Furniture is privately owned by Woodworks of Livonia Inc., occupies approximately 22,000 square feet of area, and employs twenty four employees. The manufacturing space is divided between furniture construction area where craftsmen work in designated work cell areas, lamination and gluing area, and finishing operations area. Work cell areas are equipped with dedicated wood cutting and shaping equipment with larger equipment shared by all the employees. Finishing and lamination employ dedicated personnel who do not manufacture furniture. Vogue Furniture works with local craftsmen to obtain metal and glass decorative elements which become part of the finished products. Specialized decorative metal leafing on wood is also conducted at the facility.

Hazardous wastes at Vogue Furniture are generated from the operation of the three finishing booths in the finishing area, where various polyester, polyurethane, and acrylic coatings are applied to furniture pieces. Finished furniture pieces receive several finishing coats which include water based staining, painting, and protective layers. The hazardous waste is generated from the maintenance of the coating equipment which is cleaned with MEK, toluene, and xylene based lacquer thinner. Spent solvents and thinners as well as left over coating products are collected in 5-gallon containers located in the coating booths. When full the 5-gallon containers are emptied into a 55-gallon container. Filters from the coating booths are disposed in the trash as non-hazardous waste to EQ Detroit. Small quantities of hazardous waste are also generated from the alcohol treatment of oily wood veneers and inventory cleaning events. Hazardous wastes at Vogue Furniture are accumulated in 55-gallon drums in the 180-day outdoor hazardous waste storage area. In addition to hazardous waste generation Vogue Furniture also generates and accumulates small quantities of used fluorescent lamps and used batteries. The facility notified as a small quantity generator of hazardous waste.

Support operations at Vogue Furniture include raw wood material storage, maintenance area, and coating chemical storage and preparation area.

I informed Vogue Furniture representative that Vogue Furniture could claim any information gathered during the inspection as Confidential Business information including: verbal information, documents and photographs. Vogue Furniture did not make a CBI claim on the information gathered during the inspection.

Site Tour

The site walk-through of the facility started at 12:55 PM, and began with a visit to the facility's furniture work cells and assembly areas. Assigned craftsman work individually or in groups of two to three people in each of the work cells depending on the size of the project. Large equipment is shared by all employees. No hazardous waste is generated from the work cells and assembly areas.

Next, we continued the tour of the facility operations by briefly visiting oily veneer treatment unit located in the bay door area of the facility. The unit consists of a rectangular metal trough with an approximate capacity of 20 gallons. Veneers are placed in the unit and treated with an alcohol based solution on as needed basis. Spent treatment solution is mixed with coating waste and offered for disposal as hazardous waste.

From the bay door area we visited, veneer application unit which uses wood glue to attach the veneer to the substrate, and veneer storage area where the facility accumulates its universal wastes. No universal wastes were being observed during the site visit.

Next, we visited the finishing area where Vogue Furniture operates three coating booths, coating storage and mixing area, gas curing oven, and specialized decorative application area. The finishing booths generate hazardous waste from the maintenance of the coating equipment and disposal of leftover coating products. Vogue Furniture employees use 5-gallon containers to collect hazardous waste from the coating booths before transferring the waste to a 55-gallon

drum near paint booth #2. At the time of our visit to the finishing area, I observed collection of hazardous waste in 5-gallon containers in coating booths #1- 3, my observations are as follows:

- Paint booth #1: 5-gallon bucket collecting hazardous waste missing proper hazardous waste labeling,
- Paint booth #2: 5-gallon bucket collecting hazardous waste missing proper hazardous waste labeling,
- Paint booth #3: three 5-gallon buckets collecting hazardous waste missing proper hazardous waste labeling,
- 55-gallon drum identified as receiving the hazardous waste from the coating booths missing proper hazardous waste labeling.

The site walk-through ended with a visit to the facility's outdoor hazardous waste accumulation area, which was located at the back of the building. The outdoor space is shared between Precisions facility which stores its waste in a four drum unit similar to the one used by Vogue Furniture. During my visit to the Vogue Furniture waste accumulation area, I observed accumulation of three 55-gallon drums in a yellow plastic storage unit equipped with secondary containment. None of the three accumulation drums which were identified as storing hazardous waste was labeled as "Hazardous Waste," marked with waste code numbers, and were missing accumulation start dates. Some of the observed drums were labeled with manufacturer labels which listed FPL50-53 cleaning solvent used by the Vogue for cleaning. Mr. Reilly explained that the empty cleaning solvent drums were reused for the accumulation of the facility's hazardous waste. Next to the three drum storage unit I also observed seven 55-gallon drums which had been identified by Mr. Reilly as belonging to Vogue Furniture. The seven drums were being stored on concrete pad and were empty. Two of the seven drums had a hazardous waste labels in addition to the FPL 50-53 material labels. The remaining drums were labeled with FPL 50-53 material labels. The empty drums are reused for the accumulation of the hazardous waste. The site walk-through of the facility operations ended at 13:44 PM.

Records Review

For the records review I requested to see the following: hazardous waste manifest records for off-site shipments for the last three years (2016-2013), hazardous waste stream determinations, copies of the last two annual hazardous waste reports submitted to MDEQ, land disposal restriction forms (LDR), weekly inspections of the hazardous waste accumulation area, and universal waste shipment documents.

First, I reviewed Vogue Furniture's 2016 - 2013 hazardous waste manifests. In the span of three years facility manifested nine off-site hazardous waste shipments to EQ (MID980991566) and PetroChem (MID980615298). I reviewed LDRs for the hazardous waste stream for both EQ and Petrochem.

Next, I reviewed a Waste Characterization Report for Vogue Furniture's hazardous waste stream from 01/24/2007 and MSDS for the lacquer thinner solvent used for the cleaning of the finishing booths.

Vogue Furniture does not conduct weekly inspections of its hazardous waste accumulation area and did not have the required emergency contact information near an emergency phone. Weekly

inspection records were not available. No shipping documents for off-site management of universal waste were available for my review at the time of my visit.

Closing Conference

For the inspection close-out conference we discussed inspection procedures of the outdoor 180-day hazardous waste storage, labeling and dating of hazardous storage and satellite containers, manifest records keeping, weekly inspections, and emergency contact information sheet. I gave the facility representative a Small Business Resource Sheet and (SHWEC) handout. The inspection of the facility ended at 3:00 PM.

Post-Inspection

After the inspection on 02/26/2016, Mr. Reilly e-mailed me a copy of the TSD EQ Detroit signed copies of hazardous waste manifests from 2011-2016, copy of the weekly inspection sheet for the week of 02/22/2016, and photos of the correctly labeled hazardous waste satellite and accumulation containers.

Attachments

- A. Photographs
- B. Checklist(s)
- C. List of Documents Copied/Obtained During Inspection

ATTACHMENT A

Photographs

Vogue Furniture
MID985586312

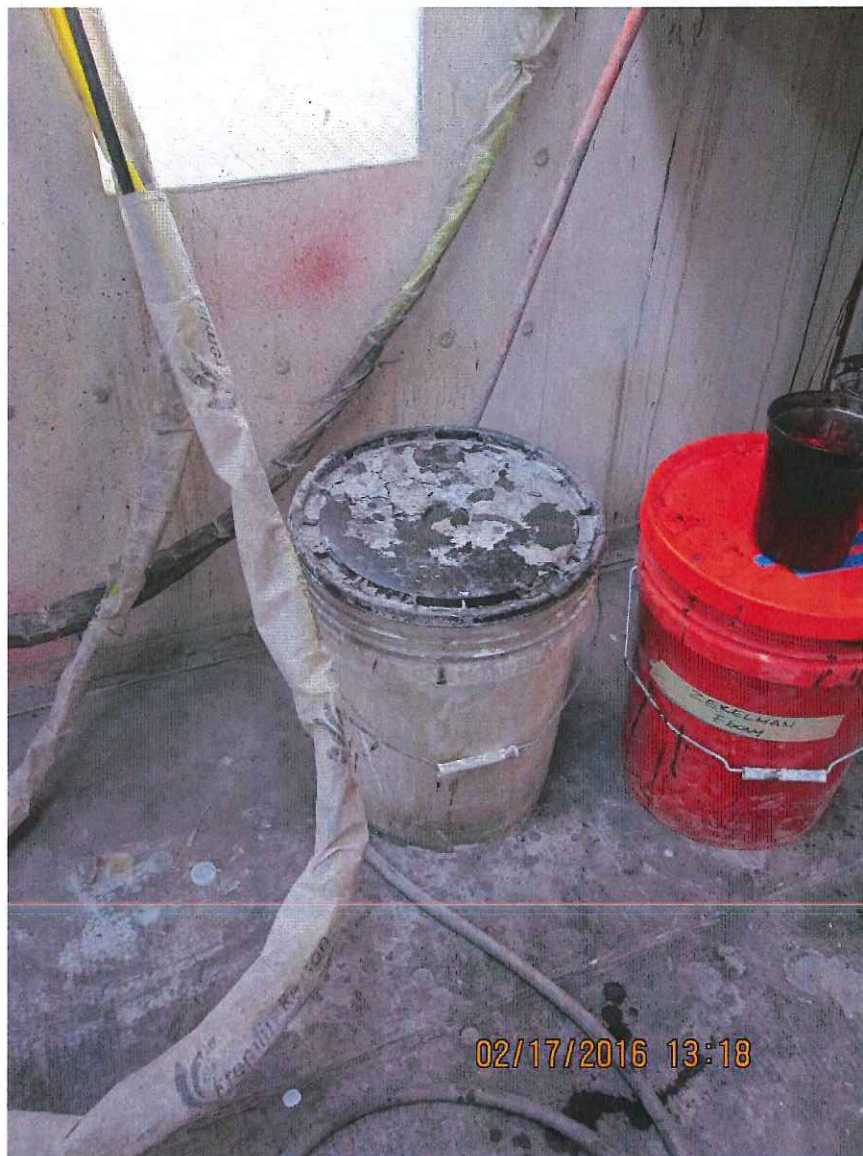


Photograph Number: 1

Photographer: Derrick Samaranski

Photograph Description: Unlabeled 5-gallon hazardous waste containers accumulating spent cleaning solvent in coating booth #3.

Vogue Furniture
MID985586312



Photograph Number: 2

Photographer: Derrick Samaranski

Photograph Description: Unlabeled 5-gallon hazardous waste container accumulating spent cleaning solvent in coating booth #2.

Vogue Furniture
MID985586312



Photograph Number: 3

Photographer: Derrick Samaranski

Photograph Description: Empty 55-gallon containers staged for use in accumulation of hazardous waste from the finishing area.

Vogue Furniture
MID985586312

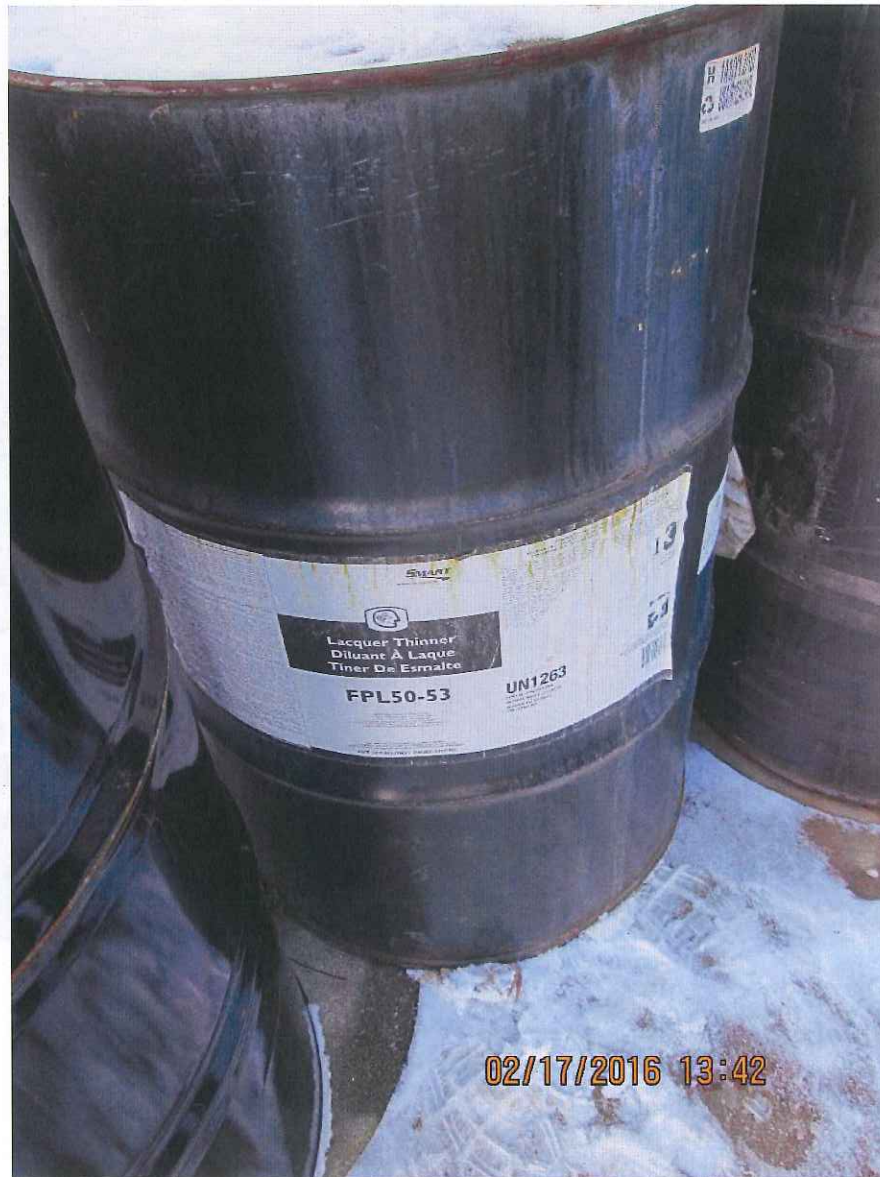


Photograph Number: 4

Photographer: Derrick Samaranski

Photograph Description: Additional view of the empty drums used for the accumulation of spent cleaning solvent from the coating operation.

Vogue Furniture
MID985586312



Photograph Number: 5

Photographer: Derrick Samaranski

Photograph Description: Close-up of the label on one of the empty reuse drums.

Vogue Furniture
MID985586312



Photograph Number: 6

Photographer: Derrick Samaranski

Photograph Description: Three unlabeled hazardous waste containers accumulating spent solvent in the facility's outdoor hazardous waste area missing accumulation start dates and waste codes.

Vogue Furniture
MID985586312



Photograph Number: 7

Photographer: Derrick Samaranski

Photograph Description: Additional of the hazardous waste containers pictured in photo #6.

Vogue Furniture
MID985586312



Photograph Number: 8

Photographer: Derrick Samaranski

Photograph Description: Wide angle view of the seven 55-gallon drums staged for reuse in accumulation of the hazardous waste from the coating operations.

Vogue Furniture
MID985586312



Photograph Number: 9

Photographer: Derrick Samaranski

Photograph Description: Additional view of the drums pictured in photo #8 showing Precisions' waste storage unit.

ATTACHMENT B

Checklist(s)

**Department of Environmental Quality
SMALL QUANTITY GENERATOR INSPECTION FORM**

Facility's Name Vogue Furniture Part 3 Rules
Date 02/17/2016 ID# RI0 885 586 312 1994 PA 451

HAZARDOUS WASTE AND WASTE #	SOURCE	HOW MUCH
Spent Cleaning solvents (Dool, Fools, Fools)	Cleaning operations	~ 1,000 lbs/month

___ abbreviated

FACILITY COMPLIANCE REQUIRED IN ALL AREAS
(NI - Not Inspected N/A - Not Applicable)

WASTE DETERMINATION (Rule 302: 40 CFR 262.11)

YES NO

1. Determined if waste streams are hazardous waste? (Rule 302: 40 CFR 262.11)	262A	<input checked="" type="checkbox"/> NI N/A
a) Copy of waste evaluation on-site 3 years? (Rule 307(1): 40 CFR 262.40(c))	262D	<input checked="" type="checkbox"/> NI N/A
b) Re-evaluated waste when changes in materials or process? (Rule 302(3))	262A	<input type="checkbox"/> NI N/A

IDENTIFICATION NUMBER (Rule 303: 40 CFR 262.12)

2. Has the generator obtained an identification number? (Rule 303: 40 CFR 262.12)	262A	<input checked="" type="checkbox"/> NI N/A
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MANIFEST REQUIREMENTS (Rule 304: 40 CFR 262.20)

3. Copies of the manifest readily available for review & inspection? (Section 11138(1)(f))	262D	<input checked="" type="checkbox"/> NI N/A
4. Manifests kept for the past 3 years? (Rule 307(3): 40 CFR 262.40(a))	262D	<input checked="" type="checkbox"/> NI N/A
5. Manifests, prepared by the generator (Rule 304(1)(b): 40 CFR 262.20(a)), contain the following?	262B	<input checked="" type="checkbox"/> NI N/A
a) manifest document number. (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
b) generator's name, address, phone & ID # (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
c) name & ID # of the transporter. (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
d) name, address & ID # of TSDF. (Rule 304(1)(b): 40 CFR 262.20(b)&(c))	262B	<input checked="" type="checkbox"/> NI N/A
e) DOT description of waste(s). (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
f) quantity of waste, type & # of containers. (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
g) hazardous waste number of the wastes. (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
h) generator signature, initial transporter & date of acceptance? (Rule 304(1)(b): 40 CFR 262.20(a))	262B	<input checked="" type="checkbox"/> NI N/A
6. Not Applicable		
7. For out-of-state manifests, was copy of 3 rd signature manifest submitted to Director? (Rule 304(2)(c))	262B	<input type="checkbox"/> NI N/A
8. Is the transporter used properly registered /permitted under Act 138, Section 3 (2)? (Rule 304(1)(c))	262B	<input checked="" type="checkbox"/> NI N/A
9. Using manifest that has expired? (Rule 304(1)(a): 40 CFR 262.20(a))	262B	<input type="checkbox"/> NI N/A
10. Reportable exceptions. (Rule 308(5): 40 CFR 262.42(b))		
a) number of manifests generator HASN'T receive signed copy from TSD w/in 60 days.	262D	<input type="checkbox"/>
b) number generator DID NOT submit copy of manifest & statement on non-confirmation of delivery to DEQ.	262D	

OR

11. Did the facility manifest hazardous waste off-site which:		
a) is reclaimed under contractual agreement & reclaimed material comes back? Rule 304(3)(a): 40 CFR 262.20(e))	262D	<input type="checkbox"/> NI N/A
b) does facility maintain copy of contractual agreement on-site for not less than 3 years? (Rule 304(3)(b): 40 CFR 262.20(e))	262D	<input type="checkbox"/> NI N/A

NOTE: For shipments of hazardous waste solely by water or rail shipments, within United States see Rule 304(4)(g or h)

LAND DISPOSAL RESTRICTION REQUIREMENTS
WASTE ANALYSIS AND RECORDKEEPING (40 CFR 268.7)(Rule 311(1))

Note: Not all requirements applicable if waste shipped off-site and material returned under contractual agreement.

YES NO

12. Did the generator determine if the waste is restricted from land disposal? (40 CFR 268.7(a)(1))		
a) all listed waste	268A	<input checked="" type="checkbox"/> NI N/A
b) all characteristic wastes?	268A	<input checked="" type="checkbox"/> NI N/A

NOTE: If waste has both listed & characteristic waste codes, the treatment standard for the listed waste is sufficient if the treatment standards for the listed waste includes a standard for the constituent that caused the waste to exhibit the characteristic, except for D001 and D002. (40 CFR 268.9(b))

13. If restricted waste exceeds treatment standards or prohibitions did notice go w/ initial shipment? (40 CFR 268.7(a)(2))	268A	<input checked="" type="checkbox"/> NI N/A
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OR

14. If restricted waste does not exceed treatment standards or prohibitions did a notice and certification statement go with initial shipment? (40 CFR 268.7(a)(3))	268A	<input type="checkbox"/> NI N/A
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OR

15. If waste has exemption from prohibition on the type of land disposal method utilized for the waste, did a notice go with initial shipment? (40 CFR 268.7(a)(4))	268A	<input type="checkbox"/> NI N/A
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OR

16. If facility chooses alternative treatment standard for lab pack that contains none of the waste in appendix IV, did a notice & certification go with initial shipment? (40 CFR 268.7(a)(9))	268A	<input type="checkbox"/> NI N/A
17. Did the notice include: (40 CFR 268.7(a)(1) or 268.7(a)(2) or 268.7(a)(3))		
a) EPA hazardous waste #?	268A	<input checked="" type="checkbox"/> NI N/A
b) if wastewater or non-wastewater as defined in 268.2(d&f)?	268A	<input checked="" type="checkbox"/> NI N/A
c) subcategory of the waste (such as D003 reactive cyanide) if applicable?	268A	<input checked="" type="checkbox"/> NI N/A
d) manifest number associated with the shipment?	268A	<input checked="" type="checkbox"/> NI N/A
e) waste analysis data, where available?	268A	<input type="checkbox"/> NI N/A
f) waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for F001- F005, F039, D001, D002, D012-D043? (treatment standards for hazardous waste in table in 268.40 for the waste code under regulated constituents)	268A	<input checked="" type="checkbox"/> NI N/A

UNLESS

g) did generator/treater claim they are going to monitor for ALL regulated constituents in the waste in lieu of the generator indicating same in the notice? (40 CFR 268.7(a)(1) & 268.9)	268A	<input type="checkbox"/> NI N/A
h) did generator/treater claim they are going to monitor for underlying hazardous waste constituents (except vanadium and zinc), reasonably expected to be present at the generation point, above UTS standards for D001, D002 & TCLP organics? (40 CFR 268 Subpart D & 268.48)	268A	<input type="checkbox"/> NI N/A

NOTE: An alternate treatment standard may be used after approval from the Administrator. (40 CFR 268.44)

NOTE: Hazardous waste debris see 40 CFR 268.7(a)(1)(iv) for the notice requirements which must be followed by the statement "This hazardous debris is subject to alternative treatment standards of 40 CFR 268.45."

18. Generator retain on-site records to support determination from knowledge or results from tests? (40 CFR 268.7(a)(6))	268A	<input checked="" type="checkbox"/> NI N/A
19. If the restricted waste is excluded from being a hazardous waste or solid waste did the generator place a one- time notice stating same in the facility file? (40 CFR 268.7(a)(7))	268A	<input type="checkbox"/> NI N/A
20. Were all notices/certifications/demonstrations/other documents retained for 3 years on-site? (40 CFR 268.7(a)(8))	268A	<input checked="" type="checkbox"/> NI N/A

NOTE: This requirement (268.7(a)(8)) applies to solid waste even when the hazardous waste characteristic is removed prior to disposal or when the waste is excluded from the definition of hazardous waste or solid waste.

DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT (40 CFR 268.3) RULE 311(1)

21. Generator dilutes hazardous waste or treatment residue of a hazardous waste to avoid prohibition? (40 CFR: 268.3(a))	268A	<input checked="" type="checkbox"/> NI N/A
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TREATMENT STANDARDS (40 CFR 268.40) RULE 311(1)

22. If wastes exceeding treatment standards are mixed, were the most stringent standards selected? (40 CFR 268.40(c))	268A	<input checked="" type="checkbox"/> NI N/A
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PRE-TRANSPORTER REQUIREMENTS (Rule 305: 40 CFR 262.30)

23. Waste packaged according to DOT regulations (required before shipping waste off-site)? (Rule 305(1)(a): 40 CFR 262.30))	262C	<input checked="" type="checkbox"/> co. said <input type="checkbox"/> obsrvd <input checked="" type="checkbox"/> NI N/A
24. Are waste packages marked & labeled according to DOT concerning hazardous materials (required before shipping waste off-site)? (Rule 305(1)(b)&(c): 40 CFR 262.32(a))	262C	<input checked="" type="checkbox"/> co. said <input type="checkbox"/> obsrvd <input checked="" type="checkbox"/> NI N/A
25. On containers 119 gallons or less, is there a warning, generator's name, address, manifest document # & waste code; 49 CFR 172.304? (Rule 305(1)(d): 40 CFR 262.32(b))	262C	<input checked="" type="checkbox"/> co. said <input type="checkbox"/> obsrvd <input checked="" type="checkbox"/> NI N/A

26. If required (>1000 #s), are placards available to the transporter? (Rule 305(1)(e): 40 CFR 262.33)	262C	<input checked="" type="checkbox"/> NI N/A
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ACCUMULATION TIME (Rule 306: 40 CFR 262.34)

27. If hazardous waste accumulated in containers: (If no, skip to #35)		
a) do containers have accumulation date & visible? (Rule 306(4)(c): 40 CFR 262.34(d)(4))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
b) do container have words "Hazardous Waste"? (Rule 306(4)(d): 40 CFR 262.34(d)(4))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
c) is each container clearly marked with the hazardous waste number? (Rule 306(4)(c))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
d) has more than 180 (270 if over 200 miles) days elapsed since date marked? (Rule 306(4) or (5): 40 CFR 262.34(d) or (e))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
e) has quantity of waste exceeded 6000 kg? (Rule 306(4)(a): 40 CFR 262.34(d)(1))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A

UNLESS

f) the generator applied for & received an extension to accumulate longer? (Rule 306(3): 40 CFR 262.34(b))	262C	<input type="checkbox"/> NI N/A
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The following Subpart I, 265.170 to 265.177 requirements are referred to by Rule 306(1)(a) and 40 CFR 262.34(a)(1).

g) are containers in good condition? (265.171)	262C	<input checked="" type="checkbox"/> NI N/A
h) are containers compatible with waste in them (265.172)	262C	<input checked="" type="checkbox"/> NI N/A
i) are containers stored closed? (265.173(a))	262C	<input checked="" type="checkbox"/> NI N/A
j) are containers handled/stored in a way which may rupture it or cause leaks? (265.173(b))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
k) are containers inspected weekly for leaks and defects? (265.174)	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
l) are incompatible wastes stored in separate containers? (265.177(a))	262C	<input type="checkbox"/> NI N/A
m) are hazardous wastes put in unwashed containers that previously held incompatible waste. (265.177(b))	262C	<input type="checkbox"/> NI N/A
n) are incompatible waste separated/protected from each other by physical barriers or sufficient distance? (265.177(c))	262C	<input type="checkbox"/> NI N/A
o) if facility accumulates over 1000 kg is there secondary containment which? (Rule 306(4)(b)(i))	262C	<input checked="" type="checkbox"/> NI N/A
i) if accumulating free liquids or F020, F021, F022, F023, F026 & F027, the hazardous waste accumulation area :		
A) has impervious base free of cracks? (264.175(b)(1))	262C	<input checked="" type="checkbox"/> NI N/A
B) is sloped or otherwise designed to elevate/protect containers from contact with liquids? (264.175(b)(2))	262C	<input checked="" type="checkbox"/> NI N/A
C) holds 10% of volume of containers or volume of the largest container, whichever is greater? (264.175(b)(3))	262C	<input checked="" type="checkbox"/> NI N/A
D) prevents run-on unless sufficient capacity? (264.175(b)(4))	262C	<input checked="" type="checkbox"/> NI N/A
E) accumulated liquids removed in a timely manner to prevent overflow? (264.175(b)(5))	262C	<input checked="" type="checkbox"/> NI N/A
ii) if accumulating solids, (other than F020, F021, F022, F023, F026, F027), is haz waste accumulation area sloped or otherwise designed, or containers elevated or otherwise protected from contact with liquids? (264.175(c) (1&2))	262C	<input checked="" type="checkbox"/> NI N/A
28. If hazardous waste is being accumulated at the point of generation:		
a) container(s) <55 gal or 1 qt acutely/severely toxic? (Rule 306(2): 40 CFR 262.34(c)(1))	262C	<input checked="" type="checkbox"/> NI N/A
b) container(s) under operator control & near the point of generation? (Rule 306(2): 40 CFR 262.34(c)(1))	262C	<input checked="" type="checkbox"/> NI N/A
c) container(s) have words "Hazardous Waste"? (Rule 306(2): 40 CFR 262.34(c)(1)(ii))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
d) are the container(s) marked with the hazardous waste number or chemical name? (Rule 306(2))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A

Rule 306(2) & 40 CFR 262.34(c)(1)(i) both refer to 40 CFR 265.171, 265.172 & 265.173(a).

e) are container(s) in good condition? (265.171)	262C	<input checked="" type="checkbox"/> NI N/A
f) are container(s) compatible with waste in them? (265.172)	262C	<input checked="" type="checkbox"/> NI N/A
g) container(s) closed when not in use & managed to prevent leaks? (265.173(a))	262C	<input checked="" type="checkbox"/> NI N/A
29. If generator exceeded 55 gallons or 1 quart, w/in 3 days did generator, w/respect to that amount of excess waste: (Rule 306(2): 40 CFR 262.34(c)(2))		
a) mark the container with the date the excess amount began accumulating?	262C	<input type="checkbox"/> NI N/A
b) move to an area with secondary containment?	262C	<input type="checkbox"/> NI N/A
30. Is hazardous waste accumulated in anything other than tanks or containers? Or, is hazardous waste generated but not accumulated, i.e.: process tank? <i>Explain any yes answer.</i>		<input checked="" type="checkbox"/> NI N/A
31. Hazardous waste accumulated so no hazardous waste or hazardous waste constituent can escape by gravity into soil, directly or indirectly, into surface, ground-waters, drains or sewers, and such that fugitive emissions do not violate Act 451, Part 55? (Rule 306(1)(f))	262C	<input checked="" type="checkbox"/> NI N/A
32. Waste area protected from weather, fire, physical damage & vandals? (Rule 306(4)(j))	262C	<input checked="" type="checkbox"/> NI N/A
33. Is hazardous waste accumulated in tanks? <i>If so, complete Tank System inspection form.</i>		<input checked="" type="checkbox"/> NI N/A
34. Is hazardous waste placed on drip pads? <i>If so, complete Wood Preserving inspection form</i>		<input checked="" type="checkbox"/> NI N/A

PERSONNEL TRAINING (Rule 306(1)(d) & 40 CFR 262.34(a)(4))

YES NO

35. Emergency coordinator(s) identified & available at all times? (Rule 306(4)(f); 40 CFR 262.34(d)(5)(i))	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
36. Next to phone is the following posted? (Rule 306(4)(g); 40 CFR 262.34(d)(5)(ii)(A-C))		
a) name & phone number of emergency coordinator(s)	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
b) location of fire extinguishers, spill control equipment and fire alarms, if present?	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
c) phone number of fire department (not needed if direct alarm)?	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
37. Employees know waste handling & emergency procedures? (Rule 306(4)(h); 40 CFR 262.34(d)(5)(iii))	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
38. If facility has had emergency, did coordinator take appropriate response? (Rule 306(4)(i); 40 CFR 262.34(d)(iv)(A-B))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A

AND

39. If there has been a fire, explosion or release which threatened human health or if spill reached surface water did facility call PEAS and NRC? (Rule 306(4)(i)(iii)(A-H); 40 CFR 262.34(d)(5)(iv)(C)(1-5).	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
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Rule 306(4)(e) & 40 CFR 262.34(a)(4) refer to 265, Subpart C, 265.30-265.37

40. Facility maintained/operated to minimize possibility of fire, explosion, release of hazardous waste or hazardous waste constituent which could threaten human health/environment? (265.31)	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
41. If required, does this facility have the following equipment:		
a) internal communications or alarm systems? (265.32(a))	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
b) telephone or 2-way radios at the scene of operations? (265.32(b))	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
c) portable fire extinguishers, fire control, spill control equipment and decontamination equipment? (265.32(c))	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
d) adequate volume of water and/or foam available for fire control? (265.32(d))	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
42. Testing and Maintenance of Emergency Equipment:		
a) owner/operator test & maintain emergency equipment to assure operation? (265.33)	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
b) has owner/operator provided immediate access to internal alarms? (265.34(a & b)) NOTE: Access to communication or alarm system is applicable only if required 40 CFR 265.32		
i) when hazardous waste is being poured, mixed, etc.	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
ii) if only one employee on the premises while facility is operating.	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
c) aisle space for unobstructed movement of personnel/emergency equipment? (265.35)	262C	<input checked="" type="checkbox"/> <input type="checkbox"/> NI N/A
43. Has the facility made arrangements with local authorities? (265.37(a)&(b))	262C	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A

Rule 309 refers to 262, Subpart E except 262.54 & 262.55

INTERNATIONAL SHIPMENTS (Rule 309 & 310: 40 CFR 262.50-262.60)

44. Has the facility imported or exported hazardous waste?		<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
a) Exporting, has the generator:		
i) notified the Administrator in writing <12 months prior to shipment? (262.52(a))	262E	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
ii) receiving country consented to accept waste. (262.52(b))	262E	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
iii) has copy of EPA Acknowledgment of Consent. (262.52(c))	262E	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
iv) complied with manifest requirements in Rule 309(2)(a-h).	262E	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
v) if required, was an exception report filled. (309(3)(a-c))	262E	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A
b) importing, has the generator met manifest requirements? (Rule 310: 40 CFR 262.60)	262F	<input type="checkbox"/> <input checked="" type="checkbox"/> NI N/A

COMMENTS:

ATTACHMENT C

Document(s) Copied/Obtained

Document	Date
Copy Site Layout Map	02/17/2016
Copy of the 201-2016 EQ Detroit TSD Signed Manifests	Received as an e-mail attachment on 02/22/2016
Copy of Weekly Inspection Sheet for Week of 02/22/2016	Received as an e-mail attachment on 02/22/2016
Copy of Photos Showing Labeled Hazardous Waste Containers	Received as an e-mail attachment on 02/22/2016

